

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL EDWARD NICHOLS,	:	
	:	
Plaintiff	:	
	:	NO. 3:CV-05-1334
-vs-	:	
	:	(Judge Kosik)
	:	
TROOPER MICHAEL ZAPACH,	:	
TROOPER PATRICK FINN, and	:	
PENNSYLVANIA STATE POLICE	:	
DEPARTMENT,	:	
	:	
Defendants	:	

**ORDER**

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NOW, THIS 24<sup>th</sup> DAY OF APRIL, 2006, IT APPEARING TO THE COURT  
THAT:

(1) Plaintiff, Paul Edward Nichols, filed the instant civil rights action pursuant to 42 U.S.C. §1983 in the United States District Court for the Western District of Pennsylvania;

(2) While the action was pending in the Western District, plaintiff was released on parole. However, plaintiff did not advise the court of his change of address and several documents sent to SCI-Albion, where plaintiff had been previously confined, were returned;

(3) On June 28, 2005, the instant action was transferred to this court;

(4) On March 23, 2006, Magistrate Judge Malachy E. Mannion filed a Report and Recommendation wherein he recommended that the instant action be dismissed for plaintiff's failure to prosecute;

(5) Specifically, the Magistrate Judge noted that plaintiff failed to advise the court of his whereabouts and failed to pursue his action since the time of his parole in April, 2005;

(6) In addition, the Magistrate Judge directed the Clerk of Court to serve his Report and Recommendation to an address where defendant's answer was served;

(7) No objections have been filed to the Report and Recommendation;

AND IT FURTHER APPEARING THAT:

(8) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a Magistrate Judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

(9) Having considered the Magistrate Judge's Report, we agree with the recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated March 23, 2006 (Document 7) is ADOPTED;

(2) The above-captioned action is DISMISSED for failure to prosecute; and,

(3) The Clerk of Court is directed to CLOSE this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.

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s/Edwin M. Kosik  
United States District Judge